



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,977	10/24/2003	Maria Skillas	SKI-001	6966
21884	7590	10/24/2006		
WELSH & FLAXMAN LLC 2000 DUKE STREET, SUITE 100 ALEXANDRIA, VA 22314			EXAMINER KYLE, MICHAEL J	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,977

Applicant(s)

SKILLAS, MARIA

Examiner

Michael J. Kyle

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,11 and 12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3,5-8,11,12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lovett (U.S. Design Patent 337,667). Lovett discloses an appliance having an ergonomic handle comprising a first handle (figure 4, top portion extending left to right) having a first longitudinal axis, first (upper left side in figure 4) and second (upper right portion in figure 4) ends, and upper and lower surfaces. Lovett also discloses a second handle member (vertical portion between mixer body and horizontal handle member) with first (lower portion connected to mixer body) and second (upper portion connected to horizontal handle) ends. The first handle member (horizontal) and second handle member (vertical) are connected such that their respective longitudinal axes are approximately perpendicular. The first end of the first handle member is connected to the second end of the second handle member (see upper left side of figure 4). The first end of the second handle member (vertical member) is connected directly to the appliance. The second end of the first handle member is free and unconnected to the appliance. The first end of the second (vertical) handle of Lovett is connected to an appliance where the appliance extends downwardly therefrom along the second longitudinal axis of the second handle member.

3. With respect to claims 2 and 3, Lovett discloses the first handle (horizontal) member

Art Unit: 3677

oriented for horizontal gripping and the second handle member (vertical) is oriented for vertical gripping.

4. With respect to claim 12, Lovett discloses the appliance to be a hand held mixer.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovett in view of Knouse et al (U.S. Patent No. 2,263,136). Lovett fails to disclose or show portions of reduced diameter, a swivel member, or positioning projection.

7. With respect to claim 5, Knouse discloses the first end (near "D") of the first handle member (10) to have reduced diameter compared to a central portion of the first handle member. The first end of the first handle member is shaped to accommodate the palm and fingers of a user.

8. With respect to claims 7 and 8, Knouse discloses the second end (near 22) of the first handle member (10) to include a swivel member (protrusions around 32) for positioning of a thumb thereon. A far end of the swivel member includes a ridge (left of 32) to aid a user in positioning a hand thereon.

9. With respect to claim 11, Knouse discloses a positioning projection (near 18, diagonally opposite of 30) at a connection between the first handle (10) and second handle (12). Each of

Art Unit: 3677

these features is used to help the user position their hand on the grip and maintain a firm and comfortable grip. It would have been obvious to one having ordinary skill in the art to modify the handle of Lovett to include the features of Knouse to provide a firm, ergonomic, and comfortable grip. A user of Knouse's grip and Lovett's grip will both be required to maintain a grip on the appliance through a range of motion and at different angles.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lovett in view of Knouse as applied to claim 5 above, and further in view of DeCarolis et al ("DeCarolis", U.S. Patent No. 5,044,083). Neither Lovett nor Knouse provide an indentation to receive a thumb of a user on the upper surface of the first handle member. Knouse shows an indentation only on the lower surface. DeCarolis teaches a handle with first and second portions, where the first portion (vertical part 10) includes an indentation at a first end (near junction with 17, at top portion) capable of receiving a thumb. Such a feature provides a comfortable grip to the user. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Lovett and Knouse as taught by DeCarolis to provide a comfortable grip to the user.

Response to Arguments

11. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection. The new grounds were necessitated by applicant's amendment claiming the handle in combination with the appliance.

Conclusion

Art Unit: 3677

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mk


ROBERT J. SANDY
PRIMARY EXAMINER